

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RONALD CARTER,
Plaintiff,

v.

Case No. 10-CV-00396

**OFFICER JOSEPH MERRILL, JOHN DOES 1–3,
TIMOTHY BEHNING, DETECTIVE JAMES TIMM,
and CITY OF MILWAUKEE,**
Defendants.

DECISION AND ORDER

In response to defendants' motion for partial summary judgment, plaintiff filed two briefs totally 39 pages (excluding captions and signature blocks), instead of the single, 30-page brief ordinarily allowed under Civil L.R. 56(8)(A) (E.D. Wis. 2010). Plaintiff also filed 140 additional proposed findings of fact, thereby exceeding the 100 additional findings of fact allowed under Civil L.R. 56(b)(2)(B)(ii). Plaintiff claims the additional pages in his brief and the additional proposed findings of fact were necessary to fully respond to defendants' motion because three defendants are jointly moving for summary judgment on two different claims. Although plaintiff should have sought prior leave from the court before exceeding the limits set in Civil L.R. 56, I will allow his pleadings to stand and deny defendants' motion to strike those pleadings.

Since I am allowing plaintiff to exceed the limits set in the local rules, I will give defendants the opportunity to do the same. Defendants have already responded to all of plaintiff's additional proposed findings of fact, but I will give them 14 days from the date of this order to amend their reply brief in support of the motion to make it longer than the 15

pages allowed in Civil L.R. 56(8)(A), if they wish to do so. Defendants' current brief is 12 pages long. They are free either to file an amended brief up to 30 pages long or to file a supplemental brief up to 18 pages long.

THEREFORE, IT IS ORDERED that the motion to strike plaintiff's briefs in opposition and additional proposed findings of fact [DOCKET #54] is **DENIED**.

IT IS FURTHER ORDERED that defendants have until **February 20, 2013** to either file an amended or supplemental reply in support of their motion for partial summary judgment or advise the court that they do not wish to amend their pleading.

Dated at Milwaukee, Wisconsin, this 5th day of February 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge